

AS AMENDED
City Hall
80 Broad Street
May 9, 2017
5:00 p.m.

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Williams

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Proclamation recognizing Water Safety Awareness Month

E. Public Hearings

1. An ordinance authorizing the Mayor to execute a Quit-Claim Deed for a portion of the right-of-way on Fairchild Street that was previously abandoned by City Council at its February 14, 2017 meeting. The property abandoned is more fully shown on Exhibit A, attached hereto, and incorporated by reference herein. **(SECOND READING)**
(DEFERRED)

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. April 25, 2017

H. Citizens Participation Period

I. Petitions and Communications:

- a. Plan West Ashley Update – Dover Kohl Partners
- b. Boards and Commissions Appointments and Reappointments: ***(To be sent under separate cover)***
 - (i) Bicycle and Pedestrian Advisory Committee
 - (ii) Board of Zoning Appeals – Zoning
- c. Update on BAR Ordinance and Old City Height District Amendments – Jacob Lindsey
- d. Presentation on Church Creek Drainage Project – Laura Cabiness

J. Council Committee Reports:

1. Committee on Public Works and Utilities: (Meeting was held on Tuesday, May 9th at 3:30 p.m.)

a. Acceptance and Dedication of Rights-of-Way and Easements:

Carolina Bay Phase 21B - Acceptance and dedication of Doubletree Court (50-foot right-of-way [1,311 LF]), Willet Way (50-foot right-of-way [231 LF]), a portion of Conservancy Lane (50-foot right-of-way [1,018 LF]), and a portion of Bethel Way (50-foot right-of-way [285 LF]). There are 64 lots. All infrastructure except sidewalks (bonded) are complete.

- Title to Real Estate
- Affidavit for Taxable or Exempt Transfers
- Plats
- Exclusive Storm Water Drainage Easements

2. Committee on Ways and Means:

(Bids and Purchases

(Police Department: Approval to submit the FY17 VOCA application for a resource specialist and Elder Advocate salary continuation, supplies, and training for a total of \$117,992. A cash match of \$23,598 would be budgeted for 2018.

(Office of Cultural Affairs: Approval to accept a grant award of \$10,500 from the NEA Big read. Project funds will be used for artistic fees, book purchases and programming expenses. A City match of \$10,500 is required. The match will come from the 2017 MOJA Arts Festival pending grant requests and from paid admissions.

(Parks-Capital Projects: Approval of a Construction Contract with Wildwood Contracts, Inc. in the amount of \$93,497 for the demolition and reconstruction of the McMahon Basketball Court. The project will be completed in ninety (90) days. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved budget. The maintenance contract will obligate \$93,497 of the \$150,000 allotted for the work from the 2017 General Maintenance funding. The funding source for all General Maintenance work is the 2017 General Fund (\$517,000).

(Parks-Capital Projects: Approval of an Aid-to-Construction Agreement and payment to SCE&G in the amount of \$329,610 for providing and installing underground wiring and appurtenances for eighteen (18) 100 watt metal halide Charleston Series style luminaries manufactured by Hanover, mounted on eighteen (18) 11' black aluminum Charleston Series anchor base poles along Meeting Street from Cumberland Street to Broad Street. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in the Council approved budget. Approval of this action will institute a \$355,600 project budget, of which the \$329,610 Aid-to-Construction Agreement will be funded. The funding

source for this project is Hospitality Funds (\$355,600).

- (Information Technology: Approve a Memorandum of Understanding between the City of Charleston and Govex whereby Govex through use of data and evidence will provide assistance to the City on City-wide performance management processes, with a focus on Housing Affordability. The focus area is to improve the efficacy of the City's housing affordability performance measures. The technical assistance provided by Govex is at no cost to the City. Govex work is funded by the Bloomberg Family Foundation's What Works Cities Initiatives.
- (Budget Finance and Revenue Collections: Approval of a Memorandum of Understanding between the City of Charleston and GPL whereby GPL will provide assistance to the City on researching and developing contracting strategies and other procurement best practices in the City's waste management practices. GPL will assist the City in drafting an RFP for waste management on Daniel Island that incorporates the results of the research and recommendations of GPL. The technical assistance provided by GPL is at no cost to the City. The work is funded by the Bloomberg Family Foundation's What Works Cities Initiatives. This is an after-the-fact approval.
- (Request approval for the Mayor to execute the attached First Amendment to Memorandum of Understanding pertaining to the easements and other consideration relating to the development of the new road and related improvements at Bayview Soccer Center (TMS: 428-00-00-013 and 428-00-00-040; Fort Johnson Road). The property is owned by the City of Charleston.
- (Authorize the Mayor to execute a Quit-Claim Deed to Melza R. Van Roijen pertaining to 88 Morris Street (TMS: 450-15-02-031) [Ordinance]. The property is owned by Melza R. Van Roijen.
- (Consider the following annexation:
2240 Pinehurst Avenue (TMS# 358-15-00-023) 0.30 acre, West Ashley (District 2). The property is owned by Chris Mason.

Give first reading to the following bills coming from Ways and Means:

An ordinance authorizing the Mayor to execute on behalf of the City a Quit-Claim Deed to Melza R. Van Roijen pertaining to property located at 88 Morris Street, TMS No. 450-15-02-031.

An ordinance to provide for the annexation of property known as 2240 Pinehurst Avenue (0.30 acre) (TMS# 358-15-00-023), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by Chris Mason.

K. Bills up for Second Reading:

1. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 252 Coming Street (Cannonborough-Elliottborough - Peninsula) (0.04 acre) (TMS #460-08-02-061) (Council District 3), be rezoned from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification. The property is owned by Frank Iwanicki and Caroline von Asten.*

2. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Saint Andrews Boulevard (West Ashley) (0.24 acre) (a portion of TMS# 421-07-00-031) (Council District 11), be rezoned from Limited Business (LB) classification to Single-Family Residential (SR-1) classification. The property is owned by Cioffi Antonio Trustee.*
3. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1524 Grimball Road Extension (James Island) (0.58 acre) (TMS #427-00-00-085) (Council District 6), annexed into the City of Charleston March 28, 2017 (#2017-031), be zoned Single-Family Residential (SR-1) classification. The property is owned by Clyde and Carol Smalls.*
4. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a vacant lot off Folly Road (James Island) (0.99 acre) (TMS #427-00-00-114) (Council District 6), annexed into the City of Charleston March 28, 2017 (#2017-033), be zoned Single-Family Residential (SR-1) classification. The property is owned by Clyde and Carol Smalls.*
5. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1522 Grimball Road Extension (James Island) (0.41 acre) (TMS #427-00-00-008) (Council District 6), annexed into the City of Charleston March 28, 2017 (#2017-029), be zoned Single-Family Residential (SR-1) classification. The property is owned by Francina Backman.*
6. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property on Grimball Road Extension and Cooper Judge Lane (James Island) (1.19 acres) (TMS #427-00-00-081 and 427-00-00-113) (Council District 6), annexed into the City of Charleston March 28, 2017 (#2017-032), be zoned Single-Family Residential (SR-1) classification. The property is owned by JJR Development LLC.*
7. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2205 Ramsay Street (James Island) (0.25 acre) (TMS #343-05-00-125) (Council District 11), annexed into the City of Charleston March 28, 2017 (#2017-030), be zoned Single-Family Residential (SR-1) classification. The property is owned by Edward Mungo.*
8. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 113 Riverland Drive (James Island) (0.55 acre) (TMS #343-01-00-006) (Council District 11), annexed into the City of Charleston April 11, 2017 (#2017-038), be zoned Single-Family Residential (sr-1) Classification. The property is owned by Mary and James Gatch.*
9. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1844 Produce Lane (Johns Island) (0.65*

acre) (TMS #313-00-00-157) (Council District 5), annexed into the City of Charleston April 11, 2017 (#2017-037), be zoned Diverse Residential (DR-2) classification. The property is owned by the Estate of Mary Lurie Hewett.

10. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2413 Spring Garden Street (West Ashley) (0.29 acre) (TMS #309-14-00-039) (Council District 7), be zoned Single-Family Residential (SR-1) classification. The property is owned by Joyce H. Murray.
11. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 822 Playground Road (West Ashley) (0.23 acre) (TMS #418-05-00-302) (Council District 7), be zoned Single-Family Residential (SR-1) classification. The property is owned by Harriett S. Pinckney.
12. An ordinance authorizing the Mayor to execute on behalf of the City a Purchase and Sale Agreement with Latrice R. Evans pertaining to property located at 1825 Austin Avenue, TMS No. 464-01-00-132, for the sum of \$158,400, to include authorization to execute a deed or other documents necessary to consummate the sale in accordance with the provisions of the Purchase and Sale Agreement.
13. An ordinance to amend Section 54-420 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add provisions allowing the repair, replacement or relocation of non-conforming off premises signs along interstate system roads under certain conditions.(DEFERRED)
14. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2935 Maybank Highway and adjacent vacant lot (Johns Island) (4.60 acres) (TMS #313-00-00-091 and 313-00-00-089) (Council District 5), annexed into the City of Charleston March 14, 2017 (#2017-025), be zoned Residential Office (RO) classification. The property is owned by James Coyne and Laura Vandermoere. **(AS AMENDED)** (DEFERRED FOR PUBLIC HEARING)
15. An ordinance to provide for the annexation of property known as property located on Ashley Hall Plantation Road (44.59 acres) (TMS# 353-00-00-003 and 353-00-00-004), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by the Estate of Rosina Kennerty Siegnious. (DEFERRED)
16. An ordinance to amend the Zoning ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Ashley Hall Plantation Road (West Ashley) (approximately 44.59 acres) (TMS #353-00-00-003 and 353-00-00-004) (Council District 2), be zoned Single-Family Residential (SR-1) classification. The property is owned by the Estate of Rosina Kennerty Siegnious. **(AS AMENDED)** **(SECOND READING)** **(The Landmark Overlay designation was withdrawn)**

because a conservation easement is being placed on the property.) (DEFERRED FOR PUBLIC HEARING)

17. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by revising Section 54-220 (b) (1) (e) (15) pertaining to limits on the number of rooms in facilities; and by changing the map pertaining to the Accommodations Overlay Zone district in the Peninsula portion of the City in accordance with the maps attached to this ordinance. (DEFERRED FOR PUBLIC HEARING)*
18. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9, Administration and Enforcement, a new part 6, Temporary Moratorium. (DEFERRED FOR PUBLIC HEARING)*
19. *An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Article 2, Part 15 – Mixed Use 1 - Workforce Housing District and Mixed Use 2 - Workforce Housing District. (DEFERRED FOR PUBLIC HEARING)*
20. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by repealing part thereof (Old and Historic District and Old City District Regulations) and substituting in its place and stead a new Part 6 establishing regulations for the Old and Historic District and the Old City District. (DEFERRED FOR PUBLIC HEARING)*
21. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Sec. 54-306, Old City Height Districts. (DEFERRED FOR PUBLIC HEARING)*
22. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-208.1 Bed and Breakfasts not located within the Old and Historic District, to clarify where Bed and Breakfasts are permitted in areas outside the Old and Historic District. (DEFERRED FOR PUBLIC HEARING)*
23. *An ordinance to amend the Old and Historic District and Old City District Regulations of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend the definition of structure, to provide definitions for height, scale, mass and immediate surroundings, immediate surrounding area and neighborhood, to clarify the authority of the Board of Architectural Review as it pertains to its review of height, scale and mass of new construction to achieve compatibility and proper form and proportion between new structures and those in its immediate surroundings, and to codify certain policy statements for the use in evaluation applications. (DEFERRED FOR PUBLIC HEARING)*

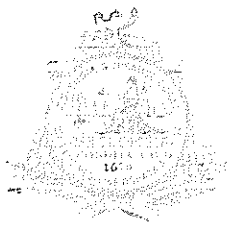
L. Bills up for First Reading

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9 thereof a new part 7 providing for a temporary moratorium on the acceptance or processing of development applications pertaining to properties located in non-residentially zoned districts on James Island that exceed 4 units or 1500 square feet.
2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 445 Meeting Street (Peninsula) (approximately 2.2 acres) (TMS #459-09-01-045) (Council District 4), be rezoned from General Business (GB) classification to Planned Unit Development (PUD) classification. The property is owned by 445 Meeting Street Partners LLC. *(DEFERRED)*
3. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 445 Meeting Street (Peninsula) (approximately 2.2 acres) (TMS #459-09-01-045) (Council District 4), be rezoned from the 80/30 and 55/30 Old City Height District classifications to the 100/30 Old City Height District classification. The property is owned by 445 Meeting Street Partners LLC. *(DEFERRED)*
4. An ordinance authorizing the Mayor to execute on behalf of the City Quit-Claim Deeds, approved as to form by the Office of Corporation Counsel, to the owners of those properties abutting each side of Hayne Street, running from Church Street to Anson Street, conveying to such owners one-half of the width of Hayne Street as said street abuts the respective owner's property, subject to any and all easements or other matters of record. *(DEFERRED)*
5. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that portions of 573 Meeting Street and 35 Walnut Street (Peninsula) (approximately 1.76 acres) (portions of TMS # 463-16-04-022 and 463-16-04-035) (Council District 4), be rezoned from 55/30 Old City Height District classification to 80/30 Old City Height District classification. The property is owned by Charleston Interfaith Crisis Assistance Ministry. *(DEFERRED)*
6. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 Accommodations Overlay Zone, by inserting language to preserve Mixed-Use Districts; prohibit the displacement of housing by accommodations and consider the effects of housing units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the housing units should be attached to an accommodations special exception approval; prohibit the displacement or reduction of office space by accommodations to be located within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map and on streets with office use as a predominant use; prohibit the displacement of more than 25 percent of ground floor,

store front retail space by accommodations uses on streets with ground floor, store front retail as a dominant use; prohibit an overconcentration of accommodations units within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map; amend revised Subsection B. 1. (g) by deleting wording regarding pedestrian activity and transit system usage and inserting language regarding the location and design of guest drop off and pick up areas; and amend revised Subsection B. 1. (h) 15 to require additional information on parking and public transit provisions for employees **(AS AMENDED)** *(DEFERRED)*

M. Miscellaneous Business:

1. Executive Session – Legal Briefing regarding the LowLine Project. - Council may or may not take action after Executive Session.
2. The next regular meeting of City Council will be May 23, 2017 at 5:00 p.m. at City Hall, 80 Broad Street.



D1.)

City of Charleston

JOHN J. TECKLENBURG

MAYOR

PROCLAMATION

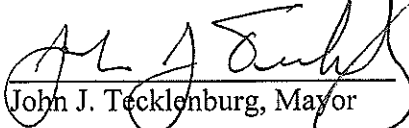
- WHEREAS,** children are our most precious citizens, and their safety in and around water is of paramount concern for parents and caregivers; and
- WHEREAS,** water hazards can include buckets of water, bathtubs, toilets, puddles, spas, pools, ponds, lakes, rivers, and oceans, and two-thirds of drowning deaths occur in the summer between May and August, and most commonly on the weekends; and
- WHEREAS,** drowning is a leading cause of unintentional injury-related deaths for children ages 1–14. South Carolina lost 85 residents to drowning deaths in 2015, according to the Centers for Disease Control and Prevention; and
- WHEREAS,** it takes only seconds to drown, and drowning often occurs without a sound; and
- WHEREAS,** effective prevention involves strict parental and/or adult supervision around water, especially the bathtub for infants; training in CPR; using a personal flotation device when in the water and on boats; taking swimming lessons and water safety classes; prohibiting diving unless the depth of water is known; and understanding skill levels; and
- WHEREAS,** the City of Charleston recognizes the vital importance of communicating water safety rules and programs, educating families and children on remaining vigilant about safety around all bodies of water, and preventing drowning and water-related injuries. No summer day at a Lowcountry pool, lake, or ocean should end in tragedy; and
- WHEREAS,** I encourage all South Carolinians to help reduce injuries and tragic loss of life by practicing water safety at all times.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim the month of May 2017 as:

WATER SAFETY AWARENESS MONTH

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 28th day of April in year of 2017.




John J. Tecklenburg, Mayor

(Deferred)

PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, May 9, 2017 beginning at 5:00 p.m. at City Hall, 80 Broad Street, regarding a closing and abandonment as follows:

Request to close and abandon a portion of Fairchild Street, Daniel Island, County of Berkeley designated as "RCP 1, 4,899 sq. ft., 0.112 acres conveyed to Parcel 1" on the plat entitled "A Final Subdivision and Property Line Adjustment Plat of TMS 275-00-00-260 – Daniel Island, Fairchild Street, owned by DIEC II, LLC, Located in the City of Charleston, Berkeley County, South Carolina".

A detailed survey of the area under consideration for closure may be viewed at the City of Charleston Department of Public Service, 2 George Street, Charleston, South Carolina.

Interested parties are invited to attend the public hearing and express their views. Extended presentations should be submitted in writing.

VANESSA TURNER-MAYBANK
Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.

Please insert as a Display Ad in the Post Courier on Sunday, April 23, 2017. Charge account PC103190.

Please insert in the Chronicle as a Display Ad on Wednesday, April 26, 2017. **Please provide an affidavit of publication for all public hearings.**



Ratification
Number _____

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE A QUIT-CLAIM DEED FOR A PORTION OF THE RIGHT-OF-WAY ON FAIRCHILD STREET THAT WAS PREVIOUSLY ABANDONED BY CITY COUNCIL AT ITS FEBRUARY 14, 2017 MEETING. THE PROPERTY ABANDONED IS MORE FULLY SHOWN ON EXHIBIT A, ATTACHED HERETO, AND INCORPORATED BY REFERENCE HEREIN.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

SECTION 1. THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE QUIT-CLAIM DEED ON BEHALF OF THE CITY TO CLOSE AND ABANDON A PORTION OF FAIRCHILD STREET THAT WAS PREVIOUSLY ABANDONED BY CITY COUNCIL ACTION ON FEBRUARY 14, 2017. THE ABANDONED PROPERTY IS MORE FULLY SHOWN ON EXHIBIT A, ATTACHED HERETO, AND INCORPORATED BY REFERENCE HEREIN.

SECTION 2. THIS ORDINANCE SHALL BECOME EFFECTIVE UPON RATIFICATION.

Ratified in City Council this ____ day of _____
in the Year of Our Lord, 2017,
and in the ____ Year of the Independence
of the United States of America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY) QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that the City of Charleston, a South Carolina municipal corporation ("Grantor"), in the State aforesaid, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, to it in hand paid at and before the sealing and delivery of these presents by DIEC II, LLC, a South Carolina limited liability company ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, has remised, released and forever quit-claimed, and by these presents does remise, release and forever quit-claim unto the Grantee, its successors and assigns, all of its right, title and interest in and to the following described real property, to wit:

ALL that certain piece or parcel of land, situate, lying and being on Fairchild Street, Daniel Island, County of Berkeley, State of South Carolina, shown and designated as "RCP 1, 4,899 sq. ft., 0.112 acres conveyed to Parcel 1" on a plat prepared by John T. Byrnes, III, SCPLS, entitled "A FINAL SUBDIVISION AND PROPERTY LINE ADJUSTMENT PLAT OF TMS 275-00-00-260 – DANIEL ISLAND – FAIRCHILD STREET, owned by DIEC II, LLC, Located in the City of Charleston, Berkeley County, South Carolina" dated April 27, 2015, and duly recorded at the Berkeley County R.O.D. Office in Plat Cabinet S, at Page 85i; said parcel containing such actual size, shape, dimensions, buttings and boundings as are shown on said plat, reference to which is hereby craved for a more full and complete description thereof.

To be combined with T.M.S. No. 275-00-00-132

-ALSO-

ALL that certain piece or parcel of land, situate, lying and being on Fairchild Street, Daniel Island, County of Berkeley, State of South Carolina, shown and designated as "RCP 3, 111 sq. ft., 0.003 acres conveyed to Parcel 2" on a plat prepared by John T. Byrnes, III, SCPLS, entitled "A FINAL SUBDIVISION AND PROPERTY LINE ADJUSTMENT PLAT OF TMS 275-00-00-260 – DANIEL ISLAND – FAIRCHILD STREET, owned by DIEC II, LLC, Located in the City of Charleston, Berkeley County, South Carolina" dated April 27, 2015, and duly recorded at the Berkeley County R.O.D. Office in Plat Cabinet S, at Page 85i; said parcel containing such actual size, shape, dimensions, buttings and boundings as are shown on said plat, reference to which is hereby craved for a more full and complete description thereof.

To be combined with T.M.S. No. 275-00-00-_____

SUBJECT TO ALL APPLICABLE EASEMENTS AND RESTRICTIONS OF RECORD.

BEING a portion of the same property conveyed to the Grantor by deed of the Daniel Island Company, Inc. dated November 30, 1999, at duly recorded at the Berkeley County R.O.D. Office on December 2, 1999, in Book 1801, at Page 0259.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said Grantee, its successors and assigns forever, so that neither the Grantor, nor its successors, nor any other person or persons claiming under them, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, by and through the undersigned agent, this ____ day of _____, 2016.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

The City of Charleston

By: _____

Title: _____

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF CHARLESTON)

I, a Notary Public for the State of South Carolina, hereby certify that the above named Grantor, by and through the above named agent, personally appeared before me this ____ day of _____, 2016, and acknowledged the due execution of the foregoing instrument.

_____(SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires:_____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property located on Fairchild Street, Daniel Island, SC, being a part of County Tax Map No. 275-00-00-132, is being transferred by The City of Charleston to DIEC II, LLC on _____, 2016.
3. Check one of the following: The Deed is (check one of the following)
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (c) ☒ EXEMPT from the deed recording fee because (exemption # 1) (Explanation if required: Quit-claim Deed)
(If exempt, please skip items 4-6, and go to item 8 of this affidavit)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____.
 - (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The Deed Recording Fee is computed as follows:
 - (a) _____ the amount listed in item 4 above
 - (b) _____ the amount listed in item 5 above
 - (c) _____ Subtract Line 6(b) from Line 6(a) and place the result.
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ _____.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: _____.
9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to and Subscribed before me
this _____ day of _____, 2016.

Grantor, Grantee, or Legal Representative
connected with this transaction

(SEAL)

NOTARY PUBLIC FOR S.C.

My Commission Expires: _____

Print or Type Name Here

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that CENTEX HOMES, a Nevada
general partnership ("Grantor") in the state aforesaid, for and in consideration of the sum of
 ONE AND 00/100 DOLLAR (\$1.00), being the true consideration to it in hand paid at and before
 the sealing of these presents by the CITY OF CHARLESTON, the receipt whereof is hereby
 acknowledged, has granted, bargained, sold and released, and by these presents does grant,
 bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and
 assigns, forever, the following described property which is granted, bargained, sold and released
 for the use of the public forever:

All of the property underneath, above, and containing those certain streets, roads, drives,
 and cul-de-sacs situate, lying and being in the City of Charleston, County of Charleston
 State of South Carolina, identified as (list street names) Carolina Bay Phase 21B
(Conservancy Lane, Bethel Way, Doubletree Court, and Willet Way)

as shown and designated on a plat entitled FINAL PLAT SHOWING THE SUBDIVISION OF
TMS NO. 307-00-00-009 (16.474 AC) TO CREATE CAROLINA BAY PHASE 21B
CONTAINING 64 LOTS (11.436 AC), RIGHT OF WAYS (3.538 AC), AND H.O.A AREAS
(1.500 AC) PROPERTY OF CENTEX HOMES LOCATED IN THE CITY OF CHARLESTON,
CHARLESTON COUNTY, SOUTH CAROLINA."

prepared by HLA, Inc.,
 dated 02/02/2017, revised _____, and recorded on _____
 in Plat Book _____ at Page _____ in the _____ Office for _____ County.
 Said property butting and bounding, measuring and containing, and having such courses and
 distances as are shown on said plat. Reference being had to the aforesaid plat for a full and
 complete description, being all of the said dimensions, a little more or a little less.

This being a portion of the property conveyed to Grantor herein by deed of the
The Charleston Company dated April 17, 2014 and recorded
April 22, 2014 in Book 0400 at Page 532 in the RMC Office for
Charleston County, South Carolina.

Grantee's Mailing Address:

City of Charleston
 Department of Public Service
 Engineering Division
 2 George Street
 Suite 2100
 Charleston, South Carolina 29401

Portion of TMS No.:

307-00-00-009

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns forever.

AND Grantor does hereby bind itself and its heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said City of Charleston, heirs and assigns, against Grantor and its heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand(s) and Seal(s) this 28th day of March, 2017.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness Number One

Scott Utsey
Printed Name

Witness Number Two

Graham Hawkins
Printed Name

CENTEX HOMES, a Nevada general partnership
Grantor

Signature of Grantor

Matthew Raines
Printed Name Its Division Vice President

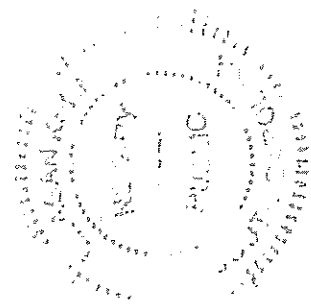
STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

This foregoing instrument was acknowledged before me (the undersigned notary) by Matthew Raines, the Division Vice President of CENTEX HOMES, a Nevada general partnership, on behalf of the Grantor on the 28th day of March, 2017.

Signature of Notary: Meagan Kuhn
Print Name of Notary: Meagan Kuhn
Notary Public for South Carolina
My Commission Expires: 09-14-2025

SEAL OF NOTARY



STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON) AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property was transferred by CENTEX HOMES, a Nevada general partnership
to City of Charleston on _____.
3. Check one of the following: The deed is
 - (A) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) ☒ exempt from the deed recording fee because (See Information section of affidavit): conveyance to governmental entity (explanation required)
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?

Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
 - (A) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____
 - (B) _____ The fee is computed on the fair market value of the realty which is _____
 - (C) ☒ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____
5. Check YES ___ or NO ___ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is _____.
6. The deed recording fee is computed as follows:
 - (A) Place the amount listed in item 4 above here: _____
 - (B) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
 - (C) Subtract Line 6(b) from Line 6(a) and place the result here: _____

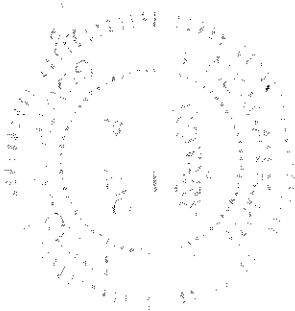
7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is _____.
8. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as Division Vice President.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.



Responsible Person Connected with the Transaction

Matthew Raines, Division Vice President
Print or Type Name Here

Sworn this 28th day of March 2017
Meagan Kuhn
Notary Public for South Carolina
My Commission Expires: 09-14-, 2025



STATE OF SOUTH CAROLINA)
)
)
COUNTY OF CHARLESTON)

EXCLUSIVE STORM
WATER DRAINAGE
EASEMENTS
CITY OF CHARLESTON

This Agreement is made and entered into this _____ day of _____, 20____, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the "City"), and CENTEX HOMES, a Nevada general partnership (herein the "Owner").

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining storm water drainage ditches and appurtenances ("Storm Water System") across a portion of _____ property identified by and designated as Charleston County tax map number 307-00-00-009 and to accomplish this objective, the City must obtain certain easements from the Owner permitting the maintenance of the Storm Water System through the referenced portion of _____ the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it certain permanent and exclusive storm water drainage easements in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain New City of Charleston Drainage Easements (or D.E.) as such are identified on the above referenced portion of property and which are more fully shown on that certain plat entitled;

"FINAL PLAT SHOWING THE SUBDIVISION OF TMS NO. 307-00-00-009 (16.474 AC) TO CREATE CAROLINA BAY PHASE 21B CONTAINING 64 LOTS (11.436 AC), RIGHT OF WAYS (3.538 AC), AND H.O.A AREAS (1.500 AC) PROPERTY OF CENTEX HOMES LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA."

Prepared and executed by HLA, Inc. dated 2/2/2017,
revised on _____, and recorded on _____ in Plat
Book _____ at Page _____ in the RMC Office for Charleston, South Carolina (herein the "Plat").
A copy of said plat is attached heretofore as "Exhibit A" and incorporated herein.

SAID EXCLUSIVE STORM WATER DRAINAGE EASEMENTS having such size, shape, location, and butting and bounding as shown on said Plat. reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive and Permanent Storm Water Drainage Easements for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. These Exclusive and Permanent Storm Water Drainage Easements shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of these Exclusive and Permanent Storm Water Drainage Easements during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner and its heirs and assigns. and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

WITNESSES:

CITY OF CHARLESTON

Witness #1

By: Laura Cabiness
Its: Public Service Director

Witness #2

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by _____, the _____ of the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina, on _____.

Signature: _____

Print Name of Notary: _____

Notary Public for _____

My Commission Expires: _____

SEAL OF NOTARY

WITNESSES:

Witness #1

Witness #2

OWNER: CENTEX HOMES, a Nevada general partnership

Name: Matthew Raines
Its: Division Vice President

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Matthew Raines, the Division Vice President of CENTEX HOMES, a Nevada general partnership, on behalf of the Owner on March 28, 2017

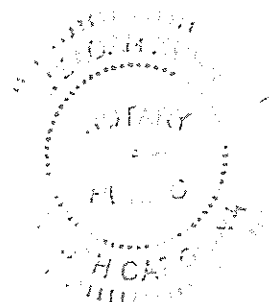
Signature: Meagan Kuhn

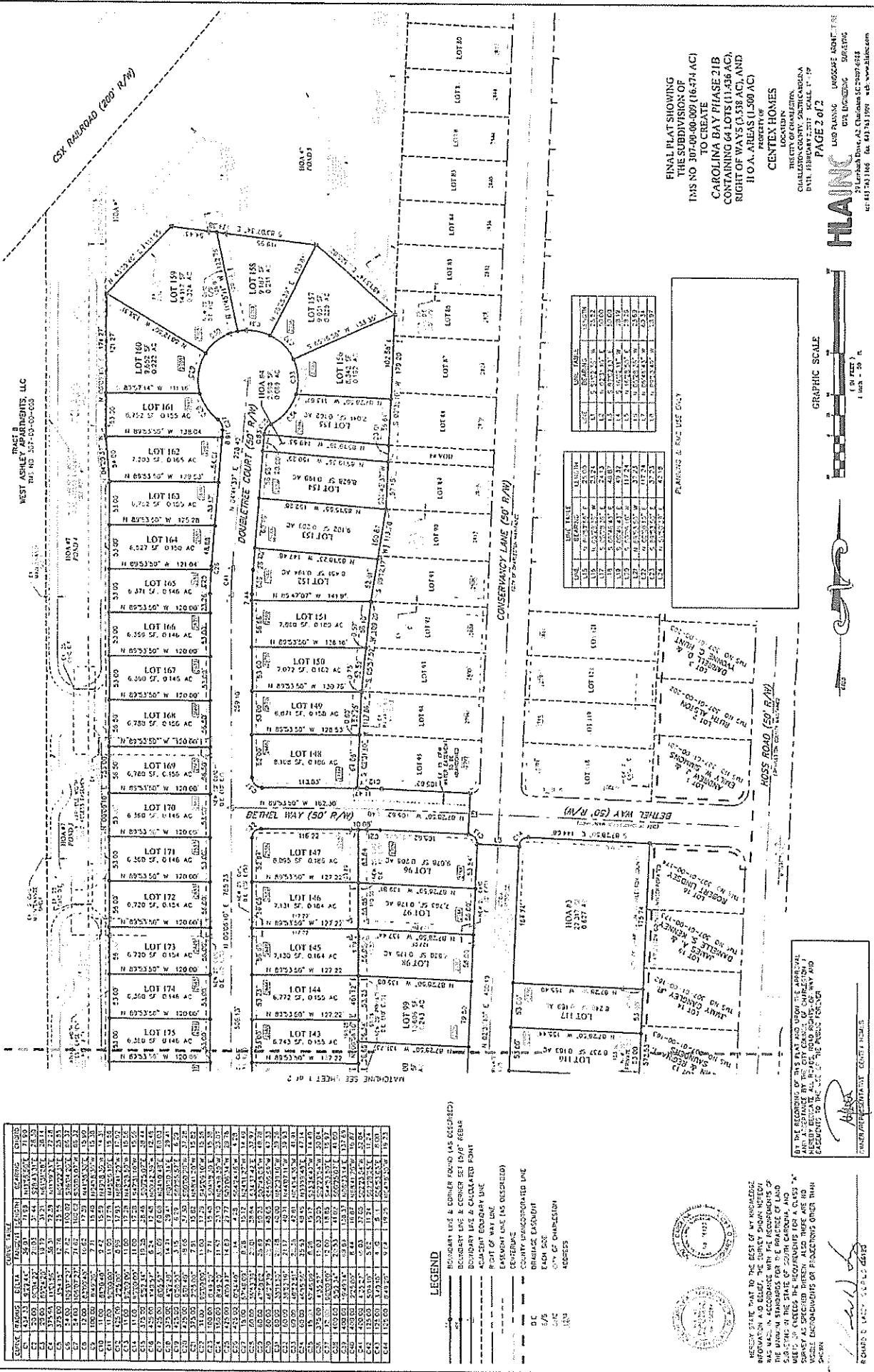
Print Name of Notary: Meagan Kuhn

Notary Public for South Carolina

My Commission Expires: 09-14-2025

SEAL OF NOTARY







Ratification
Number _____

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING TO ARTICLE 9 THEREOF A NEW PART 7 PROVIDING FOR A TEMPORARY MORATORIUM ON THE ACCEPTANCE OR PROCESSING OF DEVELOPMENT APPLICATIONS PERTAINING TO PROPERTIES LOCATED IN NON-RESIDENTIALLY ZONED DISTRICTS ON JAMES ISLAND THAT EXCEED 4 UNITS OR 1500 SQUARE FEET.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding to Article 9 thereof a new Part 7 providing for a temporary moratorium on the acceptance or processing of development applications pertaining to properties located in non-residentially zoned districts on James Island that exceed 4 units or 15000 square feet, which Part 7 shall read as follows:

“Part 7: Temporary Moratorium

Sec. 54-980 Findings.

City Council makes the following g findings of fact:

While the various areas that make up the City share common needs and goals, each area has its own identity and unique pattern of development. The James Island area of the City is generally residential. It is important that the citizens of this area of the City have access to business and retail opportunities that serve their commercial and recreational interests, without an extended commute off the Island. In recent times, more and more properties on James Island that are zoned for business and commercial use have developed or approved for development in a manner that does not further or relate to retail, business or commerce. In an effort to preserve a balance of uses on the Island and to see that the commercial needs of its citizens are met, on the Island, City Council deems it in the interests of the public, and in furtherance of the health, safety and welfare of the citizens of James Island and the City as a whole, that the uses in the non-residential zoning districts on James Island be studied and amended if necessary so that the identity

of the Island will be maintained, the uses on the Island will be balanced and the citizens of the Island have access to meaningful commercial and retail facilities. The study should address all non-residential zoning districts on James Island as they relate to uses, density of development, height and dimensional requirements as they relate to the identity of the Island as a whole. As this study is underway, City Council deems it appropriate to essentially maintain the status quo with respect to properties on the Island that are located in non-residential zoning districts so that the study can proceed in an orderly, fair and meaningful manner.

City Council deems it necessary and proper, in order to sustain the peace, good order, livability and quality of life on James Island to suspend that acceptance or processing of development applications for projects greater than 4 units or in excess of 1500 square feet for properties on James Island located in non-residential zoning districts for a discreet period of time as a study is undertaken, and in furtherance of the powers of home rule devolved upon it by S. C. Code Ann. §5-7-10 *et seq* and the land use, planning and zoning authority devolved upon it by S. C. Code Ann. § 6-29-310 *et seq* (South Carolina Local Government Comprehensive Planning Act), deems it necessary and proper to enact a temporary moratorium on the acceptance or processing of development applications pertaining to properties located on James Island in non-residential zoning districts that exceed 4 units or 1500 square feet for a period of 180 days.

Sec. 54-981. Temporary Moratorium.

A temporary moratorium for a period of 180 days from the date of first reading of this Ordinance is hereby imposed on the acceptance and processing of development applications pertaining to properties located on James Island in non-residential zoning districts that exceed 4 units or 1500 square feet.

Sec. 54-982. Purpose.

The purpose of the temporary moratorium is to allow the Department of Planning, Preservation and Sustainability, in consultation with other City departments, affected property owners and residents and the business and development community, a discreet period of time to study the provisions of the non-residential zoning districts in the James Island area of the City to assure that those provisions appropriately maintain a balance of uses on the Island, meet the commercial needs of those living on the Island and protect the quality of life of those living and working on the Island, and to make such recommendations to Council as may be necessary to achieve these ends.

Sec. 54-983. Exceptions.

Excepted from the provisions of Sec. 54-981 are development projects that have received a first review by the Technical Review Committee, conceptual approval from the Design Review Board or an approved site specific development plan as defined by Sec. 54- 961.

Sec. 54-984. Expiration.

The provisions of this Part 7 shall expire 180 days from the date of first reading of this Ordinance.”

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of
_____ in the Year of Our Lord, 2017,
and in the ____ st Year of the Independence of
the United States of America

John J. Tecklenburg, Mayor

ATTEST:

Vanessa Turner Maybank,
Clerk of Council